



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

October 17, 2001

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
October 17, 2001
9:30 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Randy Attaway, Chairperson
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 7)

Staff/Phone (415) 749-

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|----|---|------------------|
| 1. | Minutes of October 3, 2001 | M. Romaidis/4965 |
| 2. | Communications | E. Garvey/4970 |
| | <i>Information only</i> | |
| 3. | Report of the Advisory Council | J. Kelly/4962 |
| 4. | Report of Monthly Activities | P. Hess/4971 |
| | <i>Division activities for the month of September, 2001</i> | |
| 5. | Quarterly Report of the Clerk of the Board | E. Garvey/4970 |
| 6. | Report of District Personnel on Out of State Business Travel | W. Tanaka/5066 |
| 7. | Set Public Hearing for November 7, 2001 and December 19, 2001 to consider proposed amendments to Regulation 3: Fees and Regulation 5: Open Burning and approval of a Negative Declaration for the California Environmental Quality Act. The second public hearing on December 19, 2001 will be to consider any further testimony regarding proposed amendments to Regulation 3. | |

The proposed amendments will incorporate certain provisions from the California Air Resources Board guidelines for prescribed burning (Title 17, California Code of Regulations, Section 80100 et seq.); Restrict and clarify existing burn hours for all allowable fires; Expand and update the notification requirements prior to burning; allow fire training burns at night and public exhibition fires on no-burn days with conditions; Require a person to attempt to cease burning once District staff advises that person of three or more confirmed complaints; Require tree stumps and trunks to be cut or split into sections small enough to ensure that burning material does not smoke after sunset; Eliminate obsolete rule language, and provide for consistency and clarity throughout; and impose new open burning fees for marsh burning and prescribed burning activities.

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Executive Committee** Meeting of October 5, 2001

CHAIR: R. ATTAWAY

E. Garvey/4970

9. Report of the **Mobile Source Committee** Meeting of October 11, 2001

CHAIR: T. SMITH

E. Garvey/4970

Actions: A) Approve selection of Pick Your Part and Environmental Engineering Studies, Inc. as the contractors for the FY 2001/2002 Vehicle Buy Back Program.

B) Authorize the Executive Officer to execute contracts up to \$1,500,000 to Pick Your Part and \$500,000 to Environmental Engineering Studies, Inc. to provide the needed vehicle scrapping and related services.

10. Report of the **Public Outreach Committee** Meeting of October, 15, 2001

CHAIR: J. MILLER

E. Garvey/4970

PRESENTATION

11. Overview of Inspection Program in the Compliance and Enforcement Division

J. Guthrie/4787

Report on District air quality inspection activities with a focus on the role, responsibility and function of the Air Quality Inspector.

OTHER BUSINESS

12. Report of the Air Pollution Control Officer

13. Chairperson's Report

CLOSED SESSION

14. Conference with District's Labor Negotiators
(Government Code § 54957.6(a))

*Agency Negotiators: Rich Sanchez, Human Resources Officer
Peter Hess, Deputy APCO*

Employee Organization: Bay Area Air Quality Management District Employees' Association, Inc.

15. Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

- 1. Tort Claim of Dr. Alvin Greenberg against the Bay Area AQMD Board of Directors, APCO, District Counsel, and Human Resources Officer (dated 9/27/2001)*
- 2. Our Childrens Earth Foundation v. Bay Area AQMD, SFSC Case No. 324147*
- 3. Bayview Hunters Point Community Advocates; Communities for a Better Environment; and Our Children's Earth Foundation v. Mirant Potrero, LLC and Bay Area Air Quality Management District, USDC Case No. 012348 PJH*

4. *Communities for a Better Environment and Transportation Defense and Education v. Bay Area AOMD, Metropolitan Transportation Commission, and Association of Bay Area Governments,* SFSC No. 323849
5. *Douglas W. Hall v. Bay Area AOMD,* SFSC No. 311038

OPEN SESSION

16. Board Members' Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

17. Place of Next Meeting - 9:30 a.m., Wednesday, October 24, 2001 at the Joseph P. Bort MetroCenter Auditorium, 101 Eight Street, Oakland, California
18. Adjournment

EG:mag